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The Honorable Nicholas G. Garaufis
United States District Court
Eastern District of New York
225 Cadman Plaza East, Room 1416S
Brooklyn, NY 11201

Re: *United States of America, et al. v. American Express Co., et al.*,
Case No. 10-cv-4496 (NGG)(RER)

Dear Judge Garaufis:

On behalf of Southwest Airlines, Inc. (“Southwest”), we request leave to file comments concerning the proposed relief in this action. Mr. Priebe of Southwest testified at the trial and was cited many times in the Court’s Decision. Southwest can provide valuable insight into the proposed relief and how merchants can use the tools the Court provides through its relief to bring competition to this marketplace.

We recognize that the Court’s order on April 9 instructed parties wishing to file comments to submit their requests by 4:00 p.m. today. Due to scheduling conflicts among Southwest’s personnel since the April 9 order, Southwest did not make its decision to seek leave to submit comments until late this afternoon. We therefore respectfully request that the Court grant Southwest leave, even though this request is being submitted after 4:00 p.m.

Respectfully,



Alden L. Atkins

cc: Counsel for American Express
Counsel for the Department of Justice